

Brian J. Stretch, SBN 163973
bstretch@sidley.com
Naomi A. Igra, SBN 269095
naomi.igra@sidley.com
Chelsea Davis, SBN 330968
chelsea.davis@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104
Telephone: +1 415 772-1200
Facsimile: +1 415 772-7400

Attorneys for Plaintiffs

Jesse Bless (*pro hac vice*)
AMERICAN IMMIGRATION LAWYERS
ASSOCIATION
1301 G Street, Suite 300
Washington, D.C. 20005

Samina M. Bharmal (*pro hac vice*)
sbharmal@sidley.com
SIDLEY AUSTIN LLP
1501 K Street NW
Washington, D.C. 20005
Telephone: +1 202 736 8000

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IMMIGRANT LEGAL RESOURCE CENTER;
EAST BAY SANCTUARY COVENANT;
COALITION FOR HUMANE IMMIGRANT
RIGHTS; CATHOLIC LEGAL IMMIGRATION
NETWORK, INC.; INTERNATIONAL
RESCUE COMMITTEE; ONEAMERICA;
ASIAN COUNSELING AND REFERRAL
SERVICE; ILLINOIS COALITION FOR
IMMIGRANT AND REFUGEE RIGHTS,

Plaintiffs,

v.

CHAD F. WOLF, *under the title of Acting
Secretary of Homeland Security*; U.S.
DEPARTMENT OF HOMELAND SECURITY;
KENNETH T. CUCCINELLI, *under the title of
Senior Official Performing the Duties of the
Deputy Secretary of Homeland Security*; U.S.
CITIZENSHIP & IMMIGRATION SERVICES,

Defendants.

Case No. 4:20-cv-05883-JSW

DECLARATION OF BRIAN J. STRETCH

DECLARATION OF BRIAN J. STRETCH

I, Brian J. Stretch, declare as follows:

1. I am an attorney licensed to practice law in all the courts of the State of California. I am a partner with the law firm of Sidley Austin LLP, counsel of record for Plaintiffs Immigrant Legal Resource Center (“ILRC”), East Bay Sanctuary Covenant (“EBSC”), Coalition for Humane Immigrant Rights (“CHIRLA”), Catholic Legal Immigration Network, Inc. (“CLINIC”), International Rescue Committee (“IRC”), OneAmerica, Asian Counseling and Referral Service (“ACRS”), and Illinois Coalition for Immigrant and Refugee Rights (“ICIRR”) in this case. This declaration is submitted in support of Plaintiffs’ Motion for Preliminary Injunction. The facts set forth in this declaration are within my personal knowledge. If called as a witness, I could and would competently testify as follows.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Government Accountability Office’s Decision in the matter of *Department of Homeland Security—Legality of Service of Acting Secretary of Homeland Security and Service of Senior Official Performing the Duties of Deputy Secretary of Homeland Security*, File No. B-331650, issued August 14, 2020, and available at <https://www.gao.gov/assets/710/708830.pdf> (“GAO Decision”).

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Government Accountability Office’s Decision in the matter of *Department of Homeland Security—Legality of Service of Acting Secretary of Homeland Security and Service of Senior Official Performing the Duties of Deputy Secretary of Homeland Security—Reconsideration*, File No. B-332451, issued August 21, 2020, and available at <https://www.gao.gov/assets/710/708944.pdf> (“GAO Reconsideration”).

4. Attached hereto as **Exhibit 3** is a true and correct copy of the U.S. Department of Homeland Security Letter Sent to Honorable Richard C. Shelby, Chairman of the Committee of Appropriations, dated June 24, 2020, and available at https://www.uscis.gov/sites/default/files/document/notices/DHS_letter.pdf (“DHS Letter to Sen. Shelby”).

1 5. Attached hereto as **Exhibit 4** is a true and correct copy of a December 30, 2019 comment
2 letter submitted to DHS by the Asylum Seeker Advocacy Project in response to the November 14, 2019
3 proposed rule, DHS Docket No. USCIS-2019-0010-7898, and available at
4 <https://beta.regulations.gov/document/USCIS-2019-0010-7898> (“ASAP Comments”).

5 6. Attached hereto as **Exhibit 5** is a true and correct copy of a December 16, 2019 comment
6 letter submitted to DHS by the Lawyers for Civil Rights in response to the November 14, 2019 proposed
7 rule, DHS Docket No. USCIS-2019-0010-5324, and available at
8 <https://beta.regulations.gov/document/USCIS-2019-0010-5324> (“Lawyers for Civil Rights Comments”).

9 7. Attached hereto as **Exhibit 6** is a true and correct copy of a December 30, 2019 comment
10 letter submitted to DHS by the Naturalization Working Group in response to the November 14, 2019
11 proposed rule, DHS Docket No. USCIS-2019-0010-11097, and available at
12 <https://beta.regulations.gov/document/USCIS-2019-0010-11097> (“NWG Comments”).

13 8. Attached hereto as **Exhibit 7** is a true and correct copy of a December 26, 2019 comment
14 letter submitted to DHS by the Robin Hood Foundation and the Immigration Policy Lab at Stanford
15 University in response to the November 14, 2019 proposed rule, DHS Docket No. USCIS-2019-0010-
16 6909, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-6909> (“RHF
17 Comments”).

18 9. Attached hereto as **Exhibit 8** is a true and correct copy of a December 30, 2019 comment
19 letter submitted to DHS by Lutheran Social Services of New York in response to the November 14,
20 2019 proposed rule, DHS Docket No. 2019-0010-10255, and available at
21 <https://beta.regulations.gov/document/USCIS-2019-0010-10255> (“Lutheran Comments”).

22 10. Attached hereto as **Exhibit 9** is a true and correct copy of a December 30, 2019 comment
23 letter submitted to DHS by Plaintiff OneAmerica in response to the November 14, 2019 proposed rule,
24 DHS Docket No. 2019-0010-10310, and available at [https://beta.regulations.gov/document/USCIS-](https://beta.regulations.gov/document/USCIS-2019-0010-10310)
25 [2019-0010-10310](https://beta.regulations.gov/document/USCIS-2019-0010-10310) (“OneAmerica Comments”).

26 11. Attached hereto as **Exhibit 10** is a true and correct copy of a December 30, 2019
27 comment letter submitted to DHS by Justice Center of Southeast Massachusetts LLC in response to the
28

November 14, 2019 proposed rule, DHS Docket No. 2019-0010-9754, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-9754> (“Justice Center Comments”).

12. Attached hereto as **Exhibit 11** is a true and correct copy of a December 30, 2019 comment letter submitted to DHS by Boundless Immigration Inc. in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-10698, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-10698> (“Boundless Comments”).

13. Attached hereto as **Exhibit 12** is a true and correct copy of a December 30, 2019 comment letter submitted to DHS by Northwest Immigrant Rights Project in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-10723, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-10723> (“NIRP Comments”).

14. Attached hereto as **Exhibit 13** is a true and correct copy of a December 23, 2019 comment letter submitted to DHS by Plaintiff ILRC in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-7084, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-7084> (“ILRC Comments”).

15. Attached hereto as **Exhibit 14** is a true and correct copy of a December 18, 2019 comment letter submitted to DHS by Plaintiff Catholic Legal Immigration Network, Inc. in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-5894, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-5894> (“CLINIC Comments”).

16. Attached hereto as **Exhibit 15** is a true and correct copy of a December 30, 2019 comment letter submitted to DHS by Immigrant Legal Advocacy Project in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-9777, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-9777> (“ILAP Comments”).

17. Attached hereto as **Exhibit 16** is a true and correct copy of a December 27, 2019 comment letter submitted to DHS by Immigration Equality in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-10794, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-10794> (“Immigration Equality Comments”).

1 18. Attached hereto as **Exhibit 17** is a true and correct copy of a December 16, 2019
2 comment letter submitted to DHS by Latino Justice PRLDEF in response to the November 14, 2019
3 proposed rule, DHS Docket No. 2019-0010-5755, and available at
4 <https://beta.regulations.gov/document/USCIS-2019-0010-5755> (“Latino Justice Comments”).

5 19. Attached hereto as **Exhibit 18** is a true and correct copy of a December 20, 2019
6 comment letter submitted to DHS by International Refugee Assistance Project in response to the
7 November 14, 2019 proposed rule, DHS Docket No. 2019-0010-6858, and available at
8 <https://beta.regulations.gov/document/USCIS-2019-0010-6858> (“IRAP Comments”).

9 20. Attached hereto as **Exhibit 19** is a true and correct copy of a December 19, 2019
10 comment letter submitted to DHS by Project Citizenship in response to the November 14, 2019
11 proposed rule, DHS Docket No. 2019-0010-5903, and available at
12 <https://beta.regulations.gov/document/USCIS-2019-0010-5903> (“Project Citizenship Comments”).

13 21. Attached hereto as **Exhibit 20** is a true and correct copy of a February 5, 2020 comment
14 letter submitted to DHS by the New York City Gay and Lesbian Anti-Violence Project in response to
15 the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-11559, and available at
16 <https://beta.regulations.gov/document/USCIS-2019-0010-11559> (“Anti-Violence Project Comments”).

17 22. Attached hereto as **Exhibit 21** is a true and correct copy of a December 28, 2019
18 comment letter submitted to DHS by Professor Robert Smith of Baruch College and the Graduate
19 Center, at the City University of New York, in response to the November 14, 2019 proposed rule, DHS
20 Docket No. 2019-0010-10715, and available at [https://beta.regulations.gov/document/USCIS-2019-](https://beta.regulations.gov/document/USCIS-2019-0010-10715)
21 [0010-10715](https://beta.regulations.gov/document/USCIS-2019-0010-10715) (“Smith Comments”).

22 23. Attached hereto as **Exhibit 22** is a true and correct copy of a December 30, 2019
23 comment letter submitted to DHS by National Immigration Law Center in response to the November 14,
24 2019 proposed rule, DHS Docket No. 2019-0010-10181, and available at
25 <https://beta.regulations.gov/document/USCIS-2019-0010-10181> (“NILC Comments”).

26 24. Attached hereto as **Exhibit 23** is a true and correct copy of a December 27, 2019
27 comment letter submitted to DHS by the Office of Immigrant Affairs of the City of Philadelphia,
28

1 Pennsylvania, in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-7628,
2 and available at <https://beta.regulations.gov/document/USCIS-2019-0010-7628> (“Philadelphia Office of
3 Immigrant Affairs Comments”).

4 25. Attached hereto as **Exhibit 24** is a true and correct copy of a December 23, 2019
5 comment letter submitted to DHS by the City of San Antonio, Texas in response to the November 14,
6 2019 proposed rule, DHS Docket No. 2019-0010-7092, [https://beta.regulations.gov/document/USCIS-](https://beta.regulations.gov/document/USCIS-2019-0010-7092)
7 [2019-0010-7092](https://beta.regulations.gov/document/USCIS-2019-0010-7092) (“San Antonio Comments”).

8 26. Attached hereto as **Exhibit 25** is a true and correct copy of a December 19, 2019
9 comment letter submitted to DHS by Lutheran Immigration and Refugee Service in response to the
10 November 14, 2019 proposed rule, DHS Docket No. 2019-0010-6148, and available at
11 <https://beta.regulations.gov/document/USCIS-2019-0010-6148> (“LIRS Comments”).

12 27. Attached hereto as **Exhibit 26** is a true and correct copy of a December 29, 2019
13 comment letter submitted to DHS by Tahirih Justice Center in response to the November 14, 2019
14 proposed rule, DHS Docket No. 2019-0010-7859, and available at
15 <https://beta.regulations.gov/document/USCIS-2019-0010-7859> (“Tahirih Comments”).

16 28. Attached hereto as **Exhibit 27** is a true and correct copy of a December 30, 2019
17 comment letter submitted to DHS by plaintiff ACRS in response to the November 14, 2019 proposed
18 rule, DHS Docket No. 2019-0010-7849, and available at [https://beta.regulations.gov/document/USCIS-](https://beta.regulations.gov/document/USCIS-2019-0010-7849)
19 [2019-0010-7849](https://beta.regulations.gov/document/USCIS-2019-0010-7849) (“ACRS Comments”).

20 29. Attached hereto as **Exhibit 28** is a true and correct copy of a December 23, 2019
21 comment letter submitted to DHS by the City of Seattle, Washington in response to the November 14,
22 2019 proposed rule, DHS Docket No. 2019-0010-6657, and available at
23 <https://beta.regulations.gov/document/USCIS-2019-0010-6657> (“Seattle Comments”).

24 30. Attached hereto as **Exhibit 29** is a true and correct copy of a December 23, 2019
25 comment letter submitted to DHS by the City of Boston, Massachusetts in response to the November 14,
26 2019 proposed rule, DHS Docket No. 2019-0010-10068, and available at
27 <https://beta.regulations.gov/document/USCIS-2019-0010-10068> (“Boston Comments”).

31. Attached hereto as **Exhibit 30** is a true and correct copy of a December 30, 2019 comment letter submitted to DHS by Los Angeles County, California in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-10139, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-10139> (“LA County Comments”).

32. Attached hereto as **Exhibit 31** is a true and correct copy of the Letter from Patrick Leahy, Vice Chairman, U.S. Senate Comm. on Appropriations, and Jon Tester, Ranking Member, U.S. Senate Comm. on Appropriations, to Chad F. Wolf, Acting Sec’y, Dep’t of Homeland Sec., and Joseph Edlow, Deputy Dir. for Policy, U.S. Citizen and Immigration Services dated July 21, 2020 (“Senator Leahy July Letter”).

33. Attached hereto as **Exhibit 32** is a true and correct copy of the Letter from Patrick Leahy, Vice Chairman, U.S. Senate Committee on Appropriations, to Chad F. Wolf, Acting Sec’y, Dep’t of Homeland Sec., and Joseph Edlow, Deputy Dir. for Policy, U.S. Citizen and Immigration Services dated August 18, 2020 (“Senator Leahy August Letter”).

34. Attached hereto as **Exhibit 33** is a true and correct copy of a December 30, 2019 comment letter submitted to DHS by the City and County of San Francisco, California, in response to the November 14, 2019 proposed rule, DHS Docket No. 2019-0010-10450, and available at <https://beta.regulations.gov/document/USCIS-2019-0010-10450> (“San Francisco Comments”).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 25th day of August, 2020, at San Francisco, California.

/s/ Brian J. Stretch

Brian J. Stretch